

pat in (X)
at col 1 Row
additional

REMARKS

In the last Office Action, the Examiner rejected claims 1-12, 14-30, 32-48, and 50-54 under 35 U.S.C. § 102(b) as unpatentable over U.S. Patent No. 6,401,085 ("Gershman"). Applicants respectfully traverse this rejection.

The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Applicants submit that independent claims 1, 12, 16, 19, 30, 34, 37, 48, and 52 are patentably distinguishable from *Gershman*. For example, independent claim 1 recites a method for providing solicitations and web-based offers and receiving corresponding responses thereto. The method includes providing a solicitation to a set of users sharing pre-selected characteristics, where the solicitation incorporates at least an offer code and a universal resource locator (URL) corresponding to a web site. The method also includes receiving a request to access the web site through the URL and receiving the offer code via the accessed web site. Claim 1 further recites providing, via the accessed web site, an offer corresponding to the offer code to at least one of the users, and receiving, via the accessed web site, a response to the offer from at least one of the users.

In contrast, *Gershman* merely discloses the use of "software agents" to gather information of interest to a user and presenting that information to the user via a wireless device, such as a personal digital assistant. See Abstract, 2:60-3:11, 14:45-65, 38:53-41:4, and FIG. 25.

col 1
L18-21
order has offer
code to id it

col 38
L 43-50: additional
please an order
for assembly, col 44: have provided
L39-42

On page 2 of the Office Action, the Examiner alleges that an "offer code" is equivalent to a product identification disclosed in *Gershman*, because products/services are explicit offers for sale and each product/service has a code in the form of an identification number on web sites. Col. 37, line 55 to col. 38, line 17. Regardless of whether this is true, it is still not the same as and does not suggest providing a solicitation to a set of users sharing pre-selected characteristics, as recited in claims 1, 19, and 37. Indeed, the Examiner has not even addressed how any solicitation in *Gershman* is provided to "users sharing pre-selected characteristics." Further, it is not the same as and does not suggest that the solicitation incorporates at least an offer code and a universal resource locator (URL) corresponding to a web site, as recited in claims 1, 19, and 37. For instance, *Gershman* merely discloses a product with a UPC bar code and requires a bar code reader on a wireless device 920 to read and transmit the bar code to a BargainFinder Service Module 940 running on a web server. Col. 37, line 62 to col. 38, line 8. Service Module 940 then finds various Web suppliers for the product. *Id.* This is not the same as and does not suggest providing a solicitation to a set of users sharing pre-selected characteristics, where the solicitation incorporates at least an offer code and a universal resource locator (URL) corresponding to a web site, as recited in claims 1, 19, and 37.

Similarly, *Gershman* does not teach or suggest at least receiving "a solicitation with at least an offer code and a universal resource locator (URL) corresponding to a web site," as recited in claims 12, 30, and 48. Nor does *Gershman* teach or suggest at least "a host web site including a prompt for an offer code," and "receiving the offer code at the prompt," as recited in claims 16, 34, and 52.

Accordingly, because the cited reference fails to teach or suggest all elements of independent claims 1, 12, 16, 19, 30, 34, 37, 48, and 52, Applicants request withdrawal of the rejection of these claims. Applicants also request withdrawal of the rejection of claims 2-11, 14, 15, 17, 18, 20-29, 32, 33, 35, 36, 38-47, 50, 51, 53, and 54 at least because they respectively depend upon allowable independent claims, in addition to the patentable subject matter respectively recited therein.

CONCLUSION

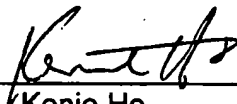
In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 29, 2004

By: 
Kenie Ho
Reg. No. 51,808